

Message Text

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14

ACTION EB-07

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E.O. 11652: N/A

TAGS: EAIR, PK

SUBJECT: CIVAIR: GOP REQUESTS CAB PERMIT TO ALLOW NEW INTERMEDIATE
POINTS IN PIA'S ROUTING TO NEW YORK

BEGIN SUMMARY: GOP REQUESTS EARLY ISSUANCE OF AN AMENDED CAB
PERMIT ALLOWING THE ADDITION OF NEW INTERMEDIATE POINTS IN PIA'S
ROUTING TO NEW YORK. PIA WISHES TO INAUGURATE ITS NEW ROUTES
EFFECTIVE WITH ITS SUMMER SCHEDULE BEGINNING MAY 1, 1976. END
SUMMARY.

1. DURING A CALL FEBRUARY 19 ON ADDITIONAL FOREIGN SECRETARY
SHAHNAWAZ ON ANOTHER MATTER, HE HANDED ME WITHOUT ANY SUPPORTING
COMMENT AN AIDE MEMOIRE ON THIS SUBJECT. THE TEXT FOLLOWS:

2. QUOTE: AIR SERVICES BETWEEN PAKISTAN AND USA ARE REGULATED BY
THE BILATERAL AGREEMENT ENTERED INTO BETWEEN THE U.S. GOVERNMENT
AND THE INTERIM GOVERNMENT OF INDIA IN 1946. THIS AGREEMENT WAS
ADOPTED BY PAKISTAN IN STATE SUCCESSION IN 1947. THE AGREEMENT
DOES NOT ENVISAGE ANY RESTRICTION ON THE OPERATION OF FREQUENC-
IES, THE PROVISION OF CAPACITY AND THE ROUTES OPERATED BY DESIG-
NATED AIRLINES OF THE TWO COUNTRIES. ARTICLES X(D) THEREOF
PROVIDES THE FACILITY FOR UNILATERAL ADDITION OF EN-ROUTE INTER-
MEDIATE POINTS TO BOTH DESIGNATED CARRIERS TO EACH OTHERS
COUNTRY BY PRIOR NOTIFICATION ONLY.

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3. QUOTE: PAN AMERICAN WORLD AIRWAYS HAS BEEN UTILIZING PROVISIONS

OF THE AGREEMENT UP TO THE MAXIMUM BY ENJOYING UNRESTRICTED TRAFFIC RIGHTS FOR ITS OPERATIONS FROM THE WEST COAST OF USA TO KARACHI AND BEYOND TO THE EAST COAST OF USA DURING THE LAST 28 YEARS.

4. QUOTE: P.I.A. ON THE OTHER HAND IS AUTHORIZED TO OPERATE TO NEW YORK ONLY VIA A FEW SPECIFIED POINTS.

5. QUOTE: CONSULTATIONS BETWEEN THE TWO GOVERNMENTS WERE HELD IN 1967 REGARDING PAKISTAN'S REQUEST FOR THE ADDITION OF CERTAIN NEW INTERMEDIATE POINTS IN THE ROUTE ANNEX OF P.I.A. THE US DELEGATION ACCEPTED PAKISTAN'S INTERPRETATION OF ARTICLE X(D) AND CONFIRMED IN WRITING THE VALIDITY OF ITS TERMS I.E. UNILATERAL ADDITION OF OF EN-ROUTE INTERMEDIATE POINTS BY MERE NOTIFICATION.

6. QUOTE: FURTHER DISCUSSIONS WERE HELD IN 1972. THE AMERICAN GOVERNMENT PROPOSED ELIMINATION OF ARTICLE X(D) WHICH THE PAKISTAN DELEGATION WERE UNABLE TO ACCEPT. IT WAS, HOWEVER, SUGGESTED THAT IF PIA WAS GRANTED THE ROUTING IN THE SAME MANNER AS AVAILABLE TO PAN AMERICAN THE ELIMINATION OF THE ARTICLE IN QUESTION MIGHT BE CONSIDERED.

7. QUOTE: DISCUSSIONS WERE ONCE AGAIN HELD AT GREAT LENGTH IN OCTOBER 1974. DESPITE THE IMBALANCE IN THE EARNINGS OF THE TWO CARRIERS WHICH ARE IN FAVOUR OF PAN AMERICAN AND DESPITE THE PIA BEING A VICTIM OF AN INHERENT INEQUALITY STEMMING FROM THE AGREEMENT, THE U.S. GOVERNMENT REFUSED TO GRANT TRANS-PACIFIC RIGHTS I O PIA. EVEN THE ADDITION OF CERTAIN NEW INTERMEDIATE POINTS IN P.I.A.'S ROUTING TO NEW YORK WAS OPPOSED BY THE U.S. DELEGATION ON THE GROUND THAT ARTICLE X(D) WAS NOT DESIGNED TO PROVIDE SIGNIFICANT ADDITIONAL RIGHTS ALTHOUGH THE INTERPRETATION TO BE PUT ON THIS ARTICLE HAD BEEN CONFIRMED BY BOTH PARTIES IN 1967 AS MENTIONED EARLIER.

8. QUOTE: THE INHERENT INEQUALITY REFERRED TO IN THE PRECEDING PARAGRAPH HAS LONG BEEN CORRECTED IN THE CASE OF AIR INDIA UNDER THE TERMS OF THE SAME ARTICLE X(D).

9. QUOTE: LATER ON PIA, IN CONSULTATION WITH THE U.S. STATE DEPARTMENT AND THE CIVIL AERONAUTICS BOARD (CAB) SUBMITTED A REQUEST LIMITED OFFICIAL USE

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FOR THE ADDITION OF NEW INTERMEDIATE POINTS IN PIA'S ROUTING. A PROPER COURT HEARING WAS HELD IN 1975 AND THE PIA WAS ASSURED THAT THE AMENDED PERMIT WOULD BE ISSUED IN THREE TO FOUR MONTHS WITH THE ADDITION OF NEW POINTS. TO DATE IT HAS NOT BEEN RECEIVED. THE PIA SUMMER SCHEDULE EFFECTIVE FROM MAY 1, 1976, PROVIDES SERVICES FROM SOME OF THE NEWLY ADDED POINTS TO NEW YORK. IN CASE THE AMENDED PERMIT IS NOT RECEIVED BY MARCH 1976, THE CARRIER WOULD BE UNABLE TO OPERATE THESE SERVICES TO NEW YORK. EARLY

ISSUANCE OF THE AMENDED PERMIT IS VERY NECESSARY. ISLAMABAD,
FEBRUARY 18, 1976. END QUOTE.
BYROADE

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Margaret P. Grafeld
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